

Ronald Satish Emrit,	)	C/A No. 3:17-cv-02736-DCC
	)	
Plaintiff,	)	
	)	
vs.	)	
	)	ORDER
Mark Hammond and Democratic Party of South	)	
Carolina,	)	
	)	
Defendants.	)	
	)	

The Magistrate Judge makes only a recommendation to this Court. The recommendation has no presumptive weight, and the responsibility to make a final

<sup>1</sup> Plaintiff filed a document that he labeled “Notice of Appeal.” ECF No. 32. In the document, Plaintiff alleges that he did not receive a copy of the Report; accordingly, the Court sent him a copy of the Report via certified mail. ECF No. 34. The certified mail was returned as unclaimed on March 26, 2018. ECF No. 36. The Court notes that Plaintiff was warned that it is his responsibility to notify the Court if his address changes so that he can receive Court Orders. ECF No. 7. However, out of an abundance of caution for a pro se Plaintiff, the Court has construed this document as objections to the Report.

determination remains with the Court. See *Mathews v. Weber*, 423 U.S. 261 (1976). The Court is charged with making a de novo determination of any portion of the Report of the Magistrate Judge to which a specific objection is made. The Court may accept, reject, or modify, in whole or in part, the recommendation made by the Magistrate Judge or recommit the matter to the Magistrate Judge with instructions. See U.S.C. § 636(b). The Court will review the Report only for clear error in the absence of an objection. See *Diamond v. Colonial Life & Accident Ins. Co.*, 416 F.3d 310, 315 (4th Cir. 2005) (stating that “in the absence of timely filed objection, a district court need not conduct a *de novo* review, but instead must only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation.” (citation omitted)).

The Report recommends summary dismissal because Plaintiff’s claim for monetary damages against South Carolina Secretary of State Mark Hammond is be barred by Eleventh Amendment Immunity. Moreover, the Magistrate recommends dismissal of Plaintiff’s § 1983 and Title VII claims because Plaintiff failed to plead sufficient facts to state plausible claims. Even liberally construed, Plaintiff’s objections fail to address any ground for dismissal raised in the Report. However, out of an abundance of caution, the Court has conducted a de novo review of the record in this case, the applicable law, and the Report of the Magistrate Judge. The Court agrees with the Report’s recommendation that this action be dismissed without issuance of service of process. Accordingly, the Report is adopted as modified, and the Second Amended Complaint is **DISMISSED** without prejudice. Thus, Plaintiff’s Motions for Preliminary Injunction, for Rule 16 Hearing, to Compel Discovery, for Issuance of Subpoena, and for Summary Judgment are **FOUND as MOOT**.

IT IS SO ORDERED.

May 8, 2018  
Spartanburg, South Carolina

s/Donald C. Coggins, Jr.  
United States District Judge

**NOTICE OF RIGHT TO APPEAL**

The parties are hereby notified of the right to appeal this order pursuant to Rules 3 and 4 of the Federal Rules of Appellate Procedure.